

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/403, 505	01/02/00	KOCH	M 54270/

FOLEY & LARDNER  
WASHINGTON HARBOUR  
3000 K STREET NW  
SUITE 500  
WASHINGTON DC 20007-5109

IM62/0728

EXAMINER

TALBOT, B

ART UNIT	PAPER NUMBER
----------	--------------

1762

DATE MAILED:

07/28/00

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/403,505	KOCH ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian K Talbot	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133)

## Status

1)  Responsive to communication(s) filed on 13 July 2000 .

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) 12-15 is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-11 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).  
a)  All b)  Some \* c)  None of the CERTIFIED copies of the priority documents have been:  
1.  received.  
2.  received in Application No. (Series Code / Serial Number) \_\_\_\_.  
3.  received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

15)  Notice of References Cited (PTO-892)  
16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.  
18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_  
19)  Notice of Informal Patent Application (PTO-152)  
20)  Other: \_\_\_\_\_

1. Claims 1-15 remain in the application.
2. Applicant's election with traverse of Group I, claims 1-11 in Paper No. 9 is acknowledged. The traversal is on the ground(s) that both groups (method and apparatus) are both readable on manufacture of a circumferential coating on a non-planar surface and therefore should form a single Group. This is not found persuasive because the claims are directed toward distinct inventions which have acquired a separate status in the art as well as the fact that the issues that arise in examining apparatus and method claims are different and this would constitute a burden on the Patent Office.

The requirement is still deemed proper and is therefore made **FINAL**.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted state of the art (specification, pg. 1 – pg. 2) in combination with Vijayakumar et al. (4,751,149) or Wernberg et al. (5,258,204).

Applicant admitted state of the art (specification, pg. 1 – pg. 2) teaches that it is well known in the art to form ZnO films on optical fibers by sputtering.

Applicant admitted state of the art (specification, pg. 1 – pg. 2) fails to teach a non-directional vapor deposition process.

Vijayakumar et al. (4,751,149) teaches a CVD process for depositing zinc oxide by a CVD process including a zinc precursor and water.

Wernberg et al. (5,258,204) teaches a single source CVD process for forming metal oxides.

Therefore, it would have been obvious for one skilled in the art at the time the invention was made to have modified Applicant admitted state of the art (specification, pg. 1 – pg. 2) by forming the ZnO by a CVD process as evidenced by Vijayakumar et al. (4,751,149) and Wernberg et al. (5,258,204) because of the expectation of achieving similar results.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K Talbot whose telephone number is (703) 305-3775. The examiner can normally be reached on Tuesday-Friday 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-6078 for regular communications and (703) 305-6357 for After Final communications.

Art Unit: 1762

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3775.



Brian K Talbot  
Primary Examiner  
Art Unit 1762

BKT  
July 27, 2000